

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

FRANK M. PECK,

Plaintiff

v.

MICHAEL MINEV, *et al.*,

Defendants.

Case No. 2:21-cv-01865-APG-EJY

**ORDER**

Pending before the Court is Plaintiff's Motion for Enlargement of Time signed by Plaintiff on August 29, 2022, and filed on August 30, 2022. ECF No. 33. In the Motion, Plaintiff, who is incarcerated, explains he received Defendant's opposition to his pending Motion to Withdraw from Settlement Agreement on the due date for the Reply. That is, Defendant's opposition was filed on August 22, 2022, but Plaintiff did not receive the opposition until August 29, 2022. Plaintiff seeks an extension of fifteen days, to September 14, 2022, within which to file his reply.

Ordinarily, the Court would not issue an order on a motion until the opposing party had an opportunity to respond. However, waiting for Defendant's response to the instant Motion would essentially moot Plaintiff's extension request because the response to the instant motion is due just one day before the date on which Plaintiff seeks to file his reply. Plaintiff's request for extension is not unreasonable given the circumstances present, and the extension will not prejudice Defendant as Plaintiff's reply should render his Motion to Withdraw fully briefed. Controlling the efficiency of proceedings and the docket in this case warrant the Court to act promptly.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Enlargement of Time (ECF No. 33) is GRANTED and Plaintiff's Reply in Support of his Motion to Withdraw from Settlement is due on or before September 14, 2022.

DATED this 30th day of August, 2022.

  
ELAYNA J. YOUCHAK  
UNITED STATES MAGISTRATE JUDGE